

EXHIBIT D

PUBLIC VERSION

CONFIDENTIAL – ATTORNEYS’ EYES ONLY

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-CV-00103-RSP

JURY TRIAL DEMANDED

**DEFENDANTS’ SUPPLEMENTAL OBJECTIONS AND RESPONSES TO
HEADWATER RESEARCH LLC’S FIRST SET OF INTERROGATORIES (NOS. 1, 6)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Samsung Electronics America, Inc. (“SEA”) and Samsung Electronics Co., Ltd. (“SEC”) (collectively “Samsung”) hereby serves its Supplemental Objections and Responses to Headwater Research LLC’s (“Headwater”) First Set of Interrogatories (“Interrogatories”). The responses and objections are made in accordance with the Federal Rules of Civil Procedure and are based upon information presently available to “Samsung. These responses and objections are without prejudice to “Samsung’s right to use or rely on subsequently discovered information.

OBJECTIONS AND RESERVATIONS

Samsung incorporates by reference all of its objections and reservations from its Responses to Plaintiff’s First Set of Interrogatories (Nos. 1-10), dated November 14, 2023.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1:

Set forth all factual bases for, including identification of any documents or witnesses that you contend support, the Affirmative Defenses asserted in your Answer.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1 (January 12, 2024):

Samsung hereby restates and incorporates its General Objections and the specific objections set forth above. Subject to all Samsung’s objections, Samsung further responds to this Interrogatory as follows:

Although this Interrogatory is still premature because Samsung’s motion to dismiss Headwater’s First Amended Complaint is still pending and Samsung is not required to file an answer, Samsung provides the following information:

Invalidity

Samsung incorporates its Invalidity Contentions, pursuant to P. R. 3-3 (served November 30, 2023), including any amendments or supplements thereto.

Samsung continues to diligently pursue third party discovery and supplement based on the same. As such, Samsung hereby identifies the following productions from OpenWave relating to, among other things, various systems that pre-date the Asserted Patents’ alleged inventions:

OPENWAVE000000001- OPENWAVE000000425.

Discovery in this case has commenced and Samsung’s investigation is on-going. Samsung reserves the right to modify or supplement its responses as more information is discovered.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1 (February 6, 2024):

Samsung hereby restates and incorporates its General Objections and the specific objections set forth above. Subject to all Samsung’s objections, Samsung further responds to this Interrogatory as follows:

Although this Interrogatory is still premature because Samsung’s motion to dismiss Headwater’s First Amended Complaint is still pending and Samsung is not required to file an answer, Samsung provides the following information:

Invalidity

Samsung incorporates its Invalidity Contentions, pursuant to P. R. 3-3 (served November 30, 2023), including any amendments or supplements thereto.

Samsung continues to diligently pursue third party discovery and supplement based on the same. As such, Samsung hereby identifies the following productions from Nokia of America Corporation, Inc. relating to, among other things, various systems that pre-date the Asserted Patents’ alleged inventions:

NOK000001-NOK000049.

Samsung further identifies the source code made available for review by Google LLC (“Google”) on February 1, 2024, as well as any forthcoming documents produced by Google, relating to, among other things, various systems that pre-date the Asserted Patents’ alleged inventions.

Discovery in this case has commenced and Samsung’s investigation is on-going. Samsung reserves the right to modify or supplement its responses as more information is discovered.

INTERROGATORY NO. 2:

Describe in detail your awareness of the Asserted Patents, including when you first became aware of the Asserted Patents and any actions you have taken as a result of your awareness of the Asserted Patents.

RESPONSE TO INTERROGATORY NO. 2:

In addition to and without limiting the foregoing General Objections, which are incorporated by reference as though fully set forth herein, Samsung objects to this Interrogatory as overly broad, unduly burdensome, and seeking the disclosure of information that is not relevant to this action or that is not relevant to any claim or defense of any party nor proportional to the needs of the case. Samsung objects to this Interrogatory as vague and ambiguous at least as to the phrases “awareness” and “actions you have taken as a result of your awareness.” Samsung objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege,